

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

RUBEN AGUILAR,

Plaintiff,

VS.

MICHAEL J ASTRUE,

Defendant.

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CIVIL ACTION NO. C-10-349

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
ON CROSS-MOTIONS FOR SUMMARY JUDGMENT**

On July 28, 2011, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that:

1) the plaintiff's motion for summary judgment, (D.E. 15), be granted with respect to his claims regarding the credibility assessment, the residual functional capacity calculation, and the hypothetical question, and denied in all other respects;

2) the defendant's motion for summary judgment, (D.E. 14), be granted with respect to the Administrative Law Judge's development of the record and weighing of the medical evidence, and denied in all other respects; and

3) this action be remanded to the Social Security Administration for further proceedings in accordance with the memorandum and recommendation.


Seeing no objection to this recommendation by any party and having now reviewed the recommendation, this Court hereby adopts as its own the Memorandum and Recommendation as the decision of the Court. Accordingly, it is ORDERED as follows:

1) the plaintiff's motion for summary judgment is granted with respect to his claims regarding the credibility assessment, the residual functional capacity calculation, and the hypothetical question, and is denied in all other respects;

2) the defendant's motion for summary judgment is granted with respect to the Administrative Law Judge's development of the record and weighing of the medical evidence, and is denied in all other respects; and

3) this action is remanded to the Social Security Administration for further proceedings in accordance with the memorandum and recommendation.

SIGNED and ORDERED this 15th day of August, 2011.



Janis Graham Jack
Senior United States District Judge